

Multidisciplinary Evaluations in Incompetency and Adult Guardianship Proceedings: The Final Report

We have a [new report available](#) at the School of Government (SOG) for your weekend reading. The report is titled *Multidisciplinary Evaluations Assembled by LME/MCOs in Adult Guardianship Proceedings in North Carolina*.

The project behind the report arose out of an annual course offered by the SOG for elected and assistant clerks on the clerk's judicial role in incompetency and adult guardianship proceedings. As part of the course a few years back, I taught a session on multidisciplinary evaluations (MDEs). An MDE may be ordered in incompetency and guardianship proceedings to assist the court in determining the nature and extent of a respondent's capacity, what type of guardianship plan and program is appropriate, and the suitability of a particular guardian. [G.S. 35A-1111\(a\); 35A-1212\(c\)](#).

During the MDE session, it became apparent that many clerks were having trouble accessing quality, timely MDEs across the state. A clerk has the discretion to order a state or local human services agency to prepare, cause to be prepared, or assemble the MDE. In practice, clerks frequently name a local management entity/managed care organization (LME/MCO) as the designated agency in the clerk's order to prepare or cause the MDE to be prepared. An LME/MCO delivers mental health, developmental disability, and substance abuse services by using primarily state and federal resources appropriated to them by state government to authorize, pay for, manage, and monitor services provided by their network of private providers.

Many clerks noted that the practice of ordering, preparing, and paying for MDEs from LME/MCOs did not match the law. At the next conference of elected clerks after the guardianship course, I conducted a survey of the body of elected clerks to get a better sense of the issue. From that survey, it became apparent that in some pockets of the state the process worked well and in other areas there was a limited relationship between clerks and LME/MCOs. As a result, I reached out to my colleague, [Mark Botts](#), who works in the area of mental health and substance abuse law. We then planned and convened meetings to bring together LME/MCOs, providers, and clerks to establish and improve working relationships, suggest ways to strengthen the current system, and develop a plan for moving the work forward. To assist with the discussion of the law at each meeting, I published a [bulletin](#) on the process of ordering, preparing, and paying for MDEs in incompetency and guardianship proceedings.

We have now completed our meetings and held at least one meeting in [each of the seven LME/MCO catchment areas](#) in NC. As a result of the meetings, there is a memorandum available for each catchment area in the state that establishes a process for communication between the court and the LME/MCO related to MDEs. This means every clerk in the state has a point of contact and procedure at an LME/MCO to obtain an MDE in an incompetency and adult

guardianship proceeding. If anyone would like a copy of the memo for their particular catchment area, feel free to reach out to me directly.

After the completion of the meetings, I put together the [report](#) mentioned at the start of this post summarizing the findings and recommended action steps collected from all of the meetings. One of the action steps identified in the report is already underway. The NC Administrative Office of the Courts Estates and Special Proceedings Forms Committee is currently considering changes to the [SP-901M form](#) and other guardianship forms based on the specific feedback from the meetings, which is listed in Figure 1 on page 8 of the report. There are a number of other actions steps identified in the report that could be taken up by interested parties to carry the work forward to continue to improve this process in NC.

In addition to letting blog readers know about the availability of the report, I also wanted to use this post to say thank you to the people who took part in the project. Every LME/MCO across the state sent multiple representatives to the meetings in their respective catchment areas and clerks from 71 of 100 counties attended. LME/MCO providers, representatives from the DHHS Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, and county departments of social services directors, attorneys, and social workers also participated in some of the meetings. Each participant took a day out of their schedule to attend and to work to improve this process for the benefit of the citizens of NC. I am grateful for their time and their contributions to this project.

I also want to say thank you to my colleagues, Mark Botts and Aimee Wall, who jumped in on this project with me without hesitation. Their contributions to the meetings and the report were invaluable.

Thank you again to all who took part. I hope the participants found the project beneficial to their work and will continue to try to find ways to improve the delivery of these important evaluations in incompetency and guardianship proceedings in NC.